



## DRAFT MINUTES

### LAFCO REGULAR MEETING

Wednesday, November 8, 2006, 9:00 a.m.

Planning Commission Hearing Room, Hall of Administration  
10 Civic Center Plaza, Santa Ana, CA

*(Any member of the public may request to speak on any agenda item at the time that item is being considered by the Commission.)*

**1. CALL TO ORDER**

**Chair Robert Bouer** called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 9:08 a.m.

**2. PLEDGE OF ALLEGIANCE**

**Commissioner Bill Campbell** led the pledge of allegiance and reflected on our freedom to vote during this election season.

**3. ROLL CALL**

The following commissioners and alternates were present:

- **Commissioner Robert Bouer**
- **Commissioner Bill Campbell**
- **Commissioner Peter Herzog**
- **Commissioner Arlene Schafer**
- **Commissioner Susan Wilson**
- **Commissioner John Withers**
- **Alternate Commissioner Rhonda McCune**
- **Alternate Commissioner Charley Wilson**

The following LAFCO staff members were present:

- Legal Counsel Clark Alsop
- Executive Officer Joyce Crosthwaite
- Assistant Executive Officer Bob Aldrich
- Project Manager Carolyn Emery
- Project Manager Kim Koeppen
- Communications Analyst Danielle Ball
- Administrative Assistant Daphne Charles

**4. OATH OF OFFICE FOR COMMISSIONER PETER HERZOG**

Administrative Assistant Daphne Charles administered the Oath of Office for **Commissioner Peter Herzog**.

**5. APPROVAL OF MINUTES**

October 11, 2006 – Regular Commission Meeting

**MOTION:** Approve minutes from October 11, 2006 as presented and without revision (Arlene Schafer)

**SECOND:** Bill Campbell

**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Susan Wilson, (Tom Wilson), John Withers

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

**Commissioner Tom Wilson** arrives at the meeting at 9:15 a.m.

**6. PUBLIC COMMENT**

**Chair Bouer** requested public comments on any non-agenda item. Receiving no comments, he then closed the public comment agenda item.

**7. CONSENT CALENDAR**

None

**8. CONTINUED PUBLIC HEARING**

**Items continued from the Commission's July 2006 meeting:**

**a.) West Santa Ana Heights Reorganization to the City of Newport Beach (RO 06-25)**

**b.) Banning Ranch Sphere of Influence Amendment to the City of Costa Mesa (SOI 06-20)**

Assistant Executive Officer Bob Aldrich presented the staff report. He stated that the City of Newport Beach application requests a Sphere of Influence change for West Santa Ana Heights from the City of Costa Mesa to the City of Newport Beach and a concurrent annexation of the area to the City of Newport Beach. He indicated that the approximately 64-acre site has been in the Costa Mesa sphere of influence for approximately 30 years.

Mr. Aldrich indicated that the Commission's key considerations in reviewing this proposal should include the following: if the Commission's primary consideration is logical boundaries, the Commission should consider respecting the long-established Tustin/Irvine Avenue boundary between Costa Mesa and Newport Beach and deny the City of Newport Beach's application. He stated that this decision, however, would likely result in West Santa Ana Heights remaining unincorporated for the foreseeable future due to strong resident opposition. If, on the other hand, the Commission's key consideration is the elimination of unincorporated County islands, he noted that the Commission may want to consider approving the City of Newport Beach's application which would result in the elimination of the island.

Mr. Aldrich summarized the City of Costa Mesa application which requests a sphere of influence change for the unincorporated Banning Ranch property. He indicated that the property is currently within the Newport Beach sphere of influence, and was surrounded by a one-foot wide strip of Newport Beach territory in 1950. LAFCO staff's July 2006 recommendation of approving the West Santa Ana Heights annexation contingent upon the City of Newport Beach detaching a portion of the one-foot strip surrounding Banning Ranch continues to merit Commission consideration. The detachment would allow LAFCO and the Cities of Newport Beach and Costa Mesa to have meaningful discussions regarding long-term service provisions for the undeveloped Banning Ranch property.

Mr. Aldrich noted that LAFCO received a letter signed by the mayors of Costa Mesa and Newport Beach requesting a six-month continuance of both items. He noted that staff supports the continuance which would allow continued discussion between both cities. He also recommended that the cities provide an update to the Commission in three months on any progress.

## **9. PUBLIC HEARING**

**Chair Bouer** opens the hearing for public testimony.

Ms. Barbara Venezia encouraged resolution to the West Santa Ana Heights annexation. She indicated that she would like the area annexed to Newport Beach to keep the redevelopment area contained within one city. She urged the Commission to take a stand.

Ms. May Ranck, a West Santa Ana Heights resident, stated her preference for annexation of West Santa Ana Heights to Costa Mesa. She also indicated that Banning Ranch should be annexed to Newport Beach.

Mr. Ed Bosley, a West Santa Ana Heights resident of 30 years, indicated support for annexation of the West Santa Ana Heights area to Newport Beach. Mr. Bosley further stated that he feared Newport Beach will withdraw its annexation application and that

since West Santa Ana Heights residents strongly opposed annexation to Newport Beach, the area will remain unincorporated. He urged the Commission to approve the annexation to Newport Beach.

**Chair Bouer** closed the public hearing.

**Commissioner Herzog** cited the specific request received from both cities to continue the item for six months. He stated that while the facilitator did not see room for negotiation, the cities were hopeful that they could reach an agreement. Also, Mr. Herzog stated that the redevelopment agency is a separate entity unto itself and would remain unaffected by annexation. Mr. Herzog noted that both cities are well-run and are committed to serving its residents.

**Commissioner Herzog** offered a motion to continue the matter for six months, which was seconded by **Commissioner Schafer**.

**Commissioner Silva and Commissioner Withers** indicated that they respect the cities' desire to talk things out in good faith. Both stated that they have faith that the cities will bring the issue to resolution.

**Commissioner Silva** stated that he is an Alternate Commissioner therefore he cannot vote, but he supported the cities' request for a six-month continuance.

**Commissioner Withers** said the Commission will be ready to take action in six months.

**Commissioner Susan Wilson** stated she was ready to vote today and would vote against the motion.

**Commissioner Bill Campbell** stated that he was also ready to vote but he respected the cities' desire to continue the matter for six months. He also stated that he believed the City of Costa Mesa was a well-run city with many amenities including a new cultural center.

**Commissioner Tom Wilson** indicated that he was also ready to vote and was skeptical that the cities would be able to come to a compromise given the facilitator's reservations. He stated that he would support **Commissioner Silva's** desire to respect the cities' request.

**MOTION:** To continue consideration of the Western Santa Ana Heights (WSAH) Annexation and the Banning Ranch Sphere of Influence (SOI) Amendment for six months; and to request an update of progress in three months from representatives of the cities of Newport Beach and Costa Mesa. (Commissioner Herzog)

**SECOND:** Arlene Schafer

**FOR: Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Tom Wilson, John Withers**

**AGAINST: Susan Wilson**

**ABSTAIN: None**

**MOTION PASSED**

## **10. COMMISSION DISCUSSION**

### **a.) Update on the 2007 CALAFCO Clerks & Staff Workshop**

Executive Officer Joyce Crosthwaite informed the Commission that the CALAFCO Workshop will take place in Newport Beach during the second week of April 2007. **Commissioner Susan Wilson** inquired whether the LAFCO office would be closed during the conference. Executive Officer Crosthwaite replied that the office would remain open with limited staffing.

## **11. COMMISSIONER COMMENTS**

**Commissioner Peter Herzog** offered congratulations to **Commissioner James Silva** having been recently elected to the State Assembly. **Commissioner Herzog** stated that he is looking forward to continuing a close working relationship with **Commissioner Silva** in Sacramento.

**Commissioner Susan Wilson** extended congratulations to **Commissioner Peter Herzog** and **Commissioner Arlene Schafer** on their recent re-election.

Executive Officer Joyce Crosthwaite informed the Commission that LAFCO will be losing **Commissioner Tom Wilson** as he will be leaving office on January 8, 2007. She also informed the Commission of the imminent departures of staff members Danielle Ball and Kim Koeppen. Ms. Crosthwaite indicated that Ms. Ball had accepted a position with the Orange County Business Council and that Ms Koeppen had accepted a position with Southern California Edison.

## **12. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

There were no information items or announcements presented.

## **13. CLOSED SESSION**

The Commission adjourned to closed session at 9:45 a.m. Following the closed session, the Commission reconvened at 10:08 a.m. **Chairman Bouer** indicated that there were no reportable actions as a result of the closed session.

**14. ADJOURNMENT**

**Chair Bouer** adjourned the meeting at 10:14 a.m.

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ROBERT BOUER  
Chair  
Orange County Local Agency Formation Commission

By: \_\_\_\_\_  
Marion Jasieniecki  
Acting Commission Clerk